

Comment Responsiveness Summary
Proposed Revisions to 18 AAC 75 and 18 AAC 78
December 1, 2014

In September 2014 the Alaska Department of Environmental Conservation (DEC) released proposed revisions to 18 AAC 75 and 18 AAC 78 for a 60-day public comment period. The proposed revisions concerned changes to regulations on contaminated sites and underground storage tanks to broaden the number of individuals who may qualify to conduct environmental work at contaminated sites and underground storage tank sites, adopt updates to referenced documents, and to clarify, simplify and make consistent additional regulatory language.

Comments and questions were received from four individuals. The questions and comments, along with the Department's response are presented below.

Definitions

Comment: Why are you changing the definition of groundwater in 18 AAC 75.990(46)?

Response: We are proposing to change the definition of groundwater to match the definition in the Water Quality Standards (18 AAC 70.990(28)). The proposed revision will not result in a change in how the cleanup rules apply to groundwater, nor does it add or remove any groundwater from applicability under the regulation. The intent is to simply provide consistency and minimize potential confusion that may result from using different definitions for groundwater.

Comments: In adopting the WQS definition (18 AAC 70), does this mean that all of the references to drinking water sources and zone of contribution will be omitted?

Response: No, the changes to the definition for groundwater are purely for consistency with the Water Quality Standards regulations. All related provisions including those referring to drinking water sources and the zone of contribution as described in 18 AAC 75.350 Groundwater Use Determinations, still apply.

Comment: With the new recognized discipline of registered Professional Environmental Engineer in the state of Alaska, I would assume that a person holding that credential would automatically be considered a qualified environmental professional. Could the definition of "qualified environmental professional" be altered to include language consistent with the new engineering discipline?

Response: Yes, that is correct -- a person holding the credential of registered Professional Environmental Engineer would be considered qualified since the proposed definition for qualified environmental professional states that an undergraduate degree in engineering alone would meet the definition. The department has evaluated whether to specifically include the title of "registered Professional Environmental Engineer in the state of Alaska" or otherwise alter the language beyond what is already captured in the definition, and determined that it is not necessary because this profession is already included by the definition.

Comment: In the new proposed definitions for qualified environmental professional and qualified sampler, we appreciate the added language that excludes individuals who have been found to have falsified environmental data or committed other acts of fraud related to environmental work, as this has been encountered on some of our past projects.

Response: Comment noted.